



**Billing Code 5001-06**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**[Transmittal Nos. 12-57]**

**36(b)(1) Arms Sales Notification**

**AGENCY:** Department of Defense, Defense Security Cooperation Agency.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 12-57 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: October 22, 2012.

Aaron Siegel,  
Alternate OSD Federal Register Liaison Officer,  
Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY  
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ARLINGTON, VA 22202-5408

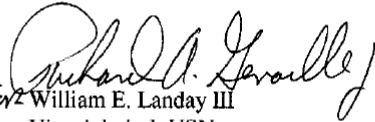
OCT 16 2012

The Honorable John A. Boehner  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 12-57, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Netherlands for defense articles and services estimated to cost \$60 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

  
For William E. Landay III  
Vice Admiral, USN  
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology



## Transmittal No. 12-57

Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

- (i) Prospective Purchaser: Netherlands
- (ii) Total Estimated Value:

Major Defense Equipment*	\$ 39 million
Other	\$ <u>21 million</u>
TOTAL	\$ 60 million
- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 28 AIM-9X-2 SIDEWINDER Block II All-Up-Round Missiles, 20 CATM-9X-2 Captive Air Training Missiles, 2 AIM-9X-2 NATM Special Air Training Missiles, 2 CATM-9X-2 Block II Missile Guidance Units, 2 AIM-9X-2 Block II Tactical Guidance Units, 2 Dummy Air Training Missiles, containers, missile support and test equipment, provisioning, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support.
- (iv) Military Department: USN (AGE)
- (v) Prior Related Cases: None
- (vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None
- (vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.
- (viii) Date Report Delivered to Congress: October 16, 2012

\* as defined in Section 47(6) of the Arms Export Control Act.

## POLICY JUSTIFICATION

### Netherlands –AIM-9X-2 SIDEWINDER Missiles

The Government of the Netherlands has requested a possible sale of 28 AIM-9X-2 SIDEWINDER Block II All-Up-Round Missiles, 20 CATM-9X-2 Captive Air Training Missiles, 2 AIM-9X-2 NATM Special Air Training Missiles, 2 CATM-9X-2 Block II Missile Guidance Units, 2 AIM-9X-2 Block II Tactical Guidance Units, 2 Dummy Air Training Missiles, containers, missile support and test equipment, provisioning, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support. The estimated cost is \$60 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve security of a NATO ally which has been, and continues to be, an important force for political stability and economic progress in Northern Europe.

The Royal Netherlands Air Force (RNAF) is modernizing its fighter aircraft to better support the Netherlands' air defense needs. This proposed sale of AIM-9X missiles will improve the RNAF's capability to conduct self defense and regional security missions, and enhance its interoperability with the U.S. and other NATO members. The Netherlands will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of these missiles and related support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems Company in Tucson, Arizona. There are no known offset proposed in connection with this potential sale.

Implementation of this proposed sale will require travel of U.S. Government or contractor representatives to the Netherlands on a temporary basis for program technical support and management oversight.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 12-57

Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
Of the Arms Export Control Act

Annex  
Item No. vii

(vii) Sensitivity of Technology:

1. The AIM-9X-2 Block II SIDEWINDER Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate the Helmet Mounted Cueing System. The software algorithms are the most sensitive portion of the AIM-9X-2 missile. The software continues to be modified via a pre-planned product improvement (P<sup>3</sup>I) program in order to improve its counter-countermeasure capabilities. No software source code or algorithms will be released. The missile is classified as Confidential.
2. The AIM-9X-2 will result in the transfer of sensitive technology and information. The equipment, hardware, and documentation are classified Confidential. The software and operational performance are classified Secret. The seeker/guidance control section and the target detector are Confidential and contain sensitive state-of-the-art technology. Manuals and technical documentation that are necessary or support operational use and organizational management are classified up to Secret. Performance and operating logic of the counter-countermeasures circuits are classified Secret. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters and similar critical information.
3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

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